THE HON'BLE Ms. JUSTICE G.ROHINI

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WRIT PETITION NO: 26808 of 2006

Dated: 26-12-2006

Between:

Toddy Tappers co-operative Society,

Mallapur.

..... PETITIONER

AND

The Government of Andhra

Pradesh and others.

.....RESPONDENTS

THE HON'BLE Ms. JUSTICE G.ROHINI

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WRIT PETITION NO: 26808 of 2006

O R D E R:

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This writ petition is filed questioning the order of the second respondent, dated 04-11-2006, suspending the licence of the petitioner pending enquiry.

The impugned order is questioned primarily on the ground that since admittedly there was no prior notice to the petitioner, the same is contrary to the proviso to Section 31(1) of the Andhra Pradesh Excise Act, 1968 (for short 'the Act'), apart from being violative of principles of natural justice.

It is to be noted that the suspension provided under Section 31(1) of the Act is a final order by way of punishment but not suspension as an interim measure pending enquiry. The law is well settled that where licence is suspended pending enquiry, prior notice is not mandatory. Under the impugned order apparently the petitioner's licence is suspended pending enquiry.

Hence, I am unable to agree with the contention of the learned counsel for the petitioner that the order is bad for want of prior notice.

Accordingly, the writ petition is dismissed. However, the respondents are directed to complete the enquiry as expeditiously as possible preferably within a period of four weeks from the date of receipt of a copy of this order after affording due opportunity to the petitioner to put forth its version. No costs.

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G. ROHINI, J

Dated: 26-12-2006

Note: Issue C.C. in three days.

B/o

KLP